

UNITED STATES DISTRICT COURT

for the
District of New Mexico

United States of America

v.

Ryan Gallardo
Yamil Pillado

Case No. 23-1565 MJ

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 28, 2022-April 24, 2023 in the county of Dona Ana and elsewhere in the
State and District of New Mexico, the defendant(s) violated:

Code Section	Offense Description
18 U.S.C. § 2252A(a)(2)(A)	Distribution and Receipt of child pornography.
18 U.S.C. § 2252A(a)(2), (b)(1)	Conspiracy to Distribute and Receive child pornography.

I further state that I am a Homeland Security Investigations Special Agent
and that this complaint is based on the following facts:

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT

☒ Continued on the attached sheet.

STEPHANI M
LEGARRETA

Digitally signed by STEPHANI M
LEGARRETA
Date: 2023.10.25 16:10:59 -06'00'

Complainant's signature

Stephani Legarreta-HSI Special Agent

Printed name and title

Sworn to before me and signed in my presence,
- by telephone. JHR

Date: October 25, 2023

City and state: Las Cruces, New Mexico


Judge's signature

Honorable Jerry H. Ritter
Printed name and title

U.S. Magistrate Judge

Affidavit

1. I, Special Agent Stephani Legarreta, your Affiant, have been a Special Agent with Homeland Security Investigations (HSI) and have been so employed since January of 2008. I am classified, trained, and employed as a federal law enforcement officer with statutory arrest authority charged with conducting criminal investigations of alleged violations of federal criminal statutes, including Title 18 of the United States Code. I am currently assigned as a criminal investigator for the Assistant Agent in Charge (ASAC), Las Cruces, New Mexico. Prior to my current position, I was a student for six years at New Mexico State University, where I received a Bachelors and a Masters Degree in Criminal Justice. During this investigation, I have consulted with other HSI Agents and other law enforcement detectives and officers who have extensive experience investigating child exploitation. I have conducted numerous state and federal investigations and received training, education, and experience with the identification and investigation of child exploitation violations. I have been personally involved with the execution of arrest warrants and search warrants to search residences, businesses, and seize materials relating to child exploitation.

2. As part of my duties as a HSI Special Agent, I investigate criminal violations relating to child pornography, including the production, transportation, distribution, receipt, and possession of child pornography, in violation of 18 U.S.C. §§ 2251, 2252, and 2252A. I have received training in the areas of child pornography and child exploitation and have observed and reviewed numerous examples of child pornography, as defined in 18 U.S.C. § 2256, in all forms of media. I have been involved in several child pornography investigations and I am familiar with the tactics used by individuals who collect and distribute child pornographic material based on my training and experience in law enforcement.

3. The information set forth in this affidavit was derived from my own investigation and/or communicated to me by other sworn law enforcement officers. Because this affidavit is submitted for the limited purpose of securing a criminal complaint, your affiant has not included every fact known to me concerning this investigation. I have set forth only those facts that are necessary to establish that probable cause to support a criminal complaint against Ryan Gallardo and Yamil Pillado for violations of distribution and receipt of child pornography, in violations of 18 U.S.C. § 2252A(a)(2)(A), and conspiracy to distribute and receive child pornography, in violation of 18 U.S.C. § 2252A(a)(2), (b)(1).

Relevant Statutes

4. Title 18 U.S.C. § 2252A(a)(2)(A) provides “any person who knowingly receives or distributes any child pornography that has been mailed or using any means or facility of interstate commerce shipped or transported in or affecting interstate or foreign commerce by any means, including by computer . . . shall be punished as provided in subsection (b).”

5. Title 18 U.S.C. § 2252A(b)(1), (b)(2) makes it a crime to conspire to receive, possess, or distribute child pornography.

Details of the Investigation

6. In March 2023, El Paso Police Department (EPPD) received a Cyber Tip from the National Center for Missing and Exploited Children (NCMEC) that a Verizon Cloud account was storing suspected child sexual abuse material (CSAM). EPPD obtained a search warrant for the Verizon Cloud account on March 17, 2023. On March 31, 2023, EPPD received the results from the search warrant for the Verizon Cloud account. EPPD determined that over 2,000 files within the Verizon Cloud account depicted known and suspected CSAM, most of which were videos. EPPD identified Yamil Pillado as the user of the Verizon Cloud account based on other

information that was in the Verizon Cloud return. Specifically, intermingled with the CSAM material was a resume for Yamil Pillado containing an address in El Paso, Texas. The resume also included a phone number that matched the phone number from the NCMEC tip. There was also a screen shot of a Vitamin Shoppe purchase with the same phone number and the e-mail account ypillado19@yahoo.com. Subscriber information for the phone number came back to a familial relative of Pillado and listed the same El Paso address as the one listed on Pillado's resume.

7. Based on this information, in April 2023, EPPD obtained a search warrant for Pillado's residence in El Paso, Texas, and executed the warrant. During the execution of the search warrant, EPPD seized two cell phones belonging to Pillado. EPPD arrested Pillado on Texas state possession of child pornography charges and obtained a search warrant to seize and search Pillado's cell phones. A trained Digital Forensic Examiner made a full forensic copy of Pillado's cell phone.

8. On April 26, 2023, EPPD advised Pillado of his *Miranda*-rights, which he waived, and provided a statement. Pillado admitted to possessing CSAM and stated that he received most of the videos and images from his cousin, Ryan Gallardo, who resides in Anthony, New Mexico. Pillado further stated that he and Gallardo would communicate through the WhatsApp¹ application on his cell phone, and Gallardo would regularly send Pillado Dropbox² links containing CSAM through that application. As a result of these admissions, EPPD obtained

¹ WhatsApp is an internationally available freeware, cross-platform, centralized instant messaging and voice-over-IP service owned by U.S. technology conglomerate Meta. It allows users to send text and voice messages, make voice and video calls, and share images, documents, user locations, and other content.

² Dropbox is a file hosting service that offers cloud storage, file synchronization, personal cloud, and client software.

an additional state search warrant for Pillado's WhatsApp account. The content of Pillado's WhatsApp account included numerous conversations between Pillado and a contact identified as "Ryan," with the associated phone number PN2867.

9. EPPD issued an investigative subpoena to T-Mobile USA, Inc. (hereinafter "T-Mobile") requesting subscriber information for phone number PN2867. On May 11, 2023, T-Mobile provided the following basic subscriber information for that account as:

Subscriber Name: Ryan Gallardo
Subscriber Address: Anthony, New Mexico 88021
Subscriber Status: Active
Subscriber Name Effective Date: 02/14/2021
MSISDN No: PN2867
IMEI: 355727335388376
Begin Service Date: 02/14/2021

On May 9, 2023, EPPD informed HSI of the investigation involving Pillado and Gallardo. HSI special agents reviewed the WhatsApp conversations between Pillado and Gallardo that were forensically extracted from Pillado's cell phone.

10. According to the date stamps within these conversations, the conversations span from April 28, 2022, through April 24, 2023. Throughout these conversations, Gallardo and Pillado refer to the images and videos as "cp," which, based on my training and experience, refers to "child pornography." During these conversations, both Pillado and Gallardo reference masturbating while watching "cp." Pillado and Gallardo also discuss the ages of the children in the videos and images. The youngest minor discussed was a newborn child. Pillado and Gallardo also communicate about their preferences as to the age of the children they sexually desire, which includes children between the ages of 8 to 16 years old. Additionally, as is evidenced by the conversations below, during that time, Pillado and Gallardo conspired to receive and distribute child pornography.

11. Specifically, on April 29, 2022, Gallardo communicated with Pillado regarding photos they both liked and stated:

Gallardo: [Sent 7 videos, which can be seen as deleted files from the digital data extracted from Pillado's cell phone but affiant is unable to actually see the videos.]

Gallardo: Which one did you like

Pillado: Lol the 2nd one

Gallardo: Which one was it lol

Pillado: The one where he's putting it in her she looks young af

Gallardo: How old do you think she is lol

Pillado: Like 12

Gallardo: Nah lol

Pillado: Prolly younger cuz she doesn't look developed

Gallardo: She's 9

Gallardo: She has a good pussy huh

Gallardo: Would you fuck her

12. On June 30, 2022, Gallardo explained to Pillado how if you take pictures of minor children, they are more compliant with the sexual abuse. Gallardo also explained how he has done "Black Magic" on a familial minor who became one of his victims:

Gallardo: Bro you know what will help a lot with anyone knowing and the girl won't say anything

Gallardo: Black magic

Gallardo: I paid and I had sex with [familial minor when] she was 16 and bang her she never said anything I paid like 320

Gallardo: Black magic

Pillado: Dangg lol but I don't have that much money like you do broo

Gallardo: You can pay the guy in payments

Pillado: I think [known minor female child #1, who was 15 years old at the time of the chats] wouldn't say anything either way without any money she looks like the type of girl that'd be down to fuck anyone

Gallardo: It actually works my next strike is [known minor female child #2, who was 16 years old at the time of the chats] lol all you need is a picture of her [and] they start doing the work

13. On July 4, 2022, they discussed sexually abusing children and stated:

Gallardo: I think they even have like 2 yr pussy and all that

Pillado: Ohh shit that's toooo young but I'll see it see what's up

Gallardo: Ik lol I don't go that young

Gallardo: But their pussy is tight asf haha

Pillado: Whats the youngest you'd go

Gallardo: Lol prob 8

Pillado: Like 10 and up

Gallardo: Lol

Gallardo: You won't try younger

Pillado: Nahh lol cuz I'd want them at least a little developed

Gallardo: Lol not even to give you head

Pillado: Maybe just that but that's it

Gallardo: Let's try it

14. On July 25, 2022, Gallardo asks Pillado to take a minor female child's "nudes".

Pillado: Not that much lol I'd prefer to fuck some chicks broo then swap them after we're done

Gallardo: Bro who tho

Pillado: [known minor female child #3, who was 15 years old at the time of the chats] and [known minor female child #1] the best ones lol

Pillado: Imagine

Gallardo: Bro let's just do [known minor female child #3]

Gallardo: Bro try and get her nudes

15. On July 26, 2022, Gallardo then speaks of a familial minor who he masturbated to when she was sleeping:

Gallardo: Can I tell you a secret lol

Pillado: Arres

Gallardo: I jerked off to [known minor female #4, who was 7 years old at the time of the chats] when she was sleeping

Pillado: I mean she's developed pretty early I don't blame you lol

Gallardo: Lol you've seen her

Gallardo: And she's like 6 or 7

Pillado: Yeah on [mother of minor female child #4] stories

Pillado: Lol

Gallardo: She's cute asf huh

Pillado: Yeah lol imagine how she'll look when she's like 15

Gallardo: I regret not taking a picture of her pussy

Gallardo: Lol I know she will be having a big ass

16. On August 1, 2022, Gallardo explains he produced CSAM of minor female child #4.

Gallardo: Guess what primo

Pillado: What's up

Gallardo: I took a pic of [minor female child #4] pussy

Pillado: Oh shit no way

Gallardo: Yeah

Gallardo: Dead ass

17. On August 7, 2022, Gallardo asks Pillado for images of minor female child #4.

Gallardo: Primo how old is [mother of minor female child #4's] daughter

Pillado: 3 lol

Gallardo: 3 months or years lol

Pillado: Years lol

Gallardo: Lol how she look primo

Gallardo: Got pics

Pillado: Shiiit I don't have any broo lol

Gallardo: How she look primo

Gallardo: Between us

Pillado: She looks like [mother of minor female child #4] lol they're like twins

Gallardo: Lol really

Gallardo: You should take pictures of [minor female child #4] lol for your boy
haha

Pillado: I'll see when I see her again though lol

18. On September 20, 2022, Gallardo states he produced CSAM of a minor female child #4.

Gallardo: I got a good picture lol

Gallardo: I took a ir

Gallardo: It

Pillado: Lemme see lol

Gallardo: [sent an image but law enforcement is unable to view it]

Pillado: Dangg who's that lol

Gallardo: It's a family member

Pillado: Which one though

Pillado: I won't tell lol

Gallardo: Guesss

Gallardo: She's young asf

Pillado: Pos give me a hint lol

Pillado: [name of unknown female]

Pillado: Or older than her

Gallardo: Lol she's young

Gallardo: Not developed yet

Pillado: [mother of minor female child #4's] kid

Gallardo: We see her most of the time

Gallardo: Yea [minor female child #4]

Pillado: She's already a bit developed down there lol

Gallardo: She's not lol just because I made her spread her legs all the way open so the pussy opens and looks developed lol

Gallardo: Don't tell anyone

Pillado: I won't lol

Pillado: I think you can finger her a bit lol

Gallardo: Yeah yeah lol

Pillado: She can probably take 1 finger inside

Pillado: At least

Gallardo: I put my head in their just a lil

Gallardo: Just a lil lol

Gallardo: Your down to do it with me next time?

Pillado: With who though lol

Gallardo: [minor female child #4]

Gallardo: Or your scared

Pillado: I'd be down it's just it's far af from me lol

Gallardo: Lol when we have a party I'll tell her to go some where dark

19. On November 20, 2022, Gallardo and Pillado discussed which female relatives they would like to sexually abuse.

Gallardo: Who's the youngest you would fuck

Pillado: Who would you fuck first lol

Gallardo: Tbh I'll think I'll do [mother of minor female child #4] daughter first young ass pussy

Pillado: Lol I think you already know my choice

Gallardo: Lol who

Pillado: Lol guess

Gallardo: [minor female child #1]?

Gallardo: Lol

Gallardo: [minor female child #2]

Gallardo: [minor female child #3]

Pillado: yeah [minor female child #1] lol

Gallardo: Lol but we said we gotta start young lol

-BREAK-

Gallardo: But fuck it Ill just rub my dick up and down until I cum lol just like I did it to [minor female child #4]

Gallardo: Lol let's do [minor female child #4] you down

Gallardo: I touched her when she was asleep and i ate her pussy

20. On November 21, 2022, Gallardo stated he has a video of CSAM with him and minor female child #4.

Gallardo: I got a video of me and [minor female child #4] want that one

Pillado: I'm down lol

Gallardo: Bet lol

Gallardo: Let's make one

21. On December 2, 2022, Pillado sends a CSAM image to Gallardo through WhatsApp (On March 10, 2023, Pillado sends the same image again to Gallardo):

Gallardo: Send it lol

Gallardo: So I can remember

Pillado: [Sends what appears to be a screenshot of a CSAM image that was sent previously in the chat between Pillado and Gallardo. The image depicts a pre-pubescent female approximately 7-9 years old, naked with a leather strap around her torso. The body strap appears to be a sadomasochistic outfit. The minor has her legs spread open.]

Gallardo: You liked that one huh lol

Pillado: Lol yeah

Pillado: Send that one

Gallardo: Let me see of its up lol

Gallardo: She's young lol

Gallardo: Im about to jerk off that girl

Pillado: Send so I can too lol

Gallardo: They took it of lol

Gallardo: Theirs only the picture I send you

Gallardo: Send them again plz lol

22. On December 19, 2022, Gallardo sent Pillado a series of messages and requested

links of CSAM to be sent back to him order to use the links for trading of CSAM with unknown other people.

Gallardo: I got more megas ³ you want them

Pillado: Shiiiit you already know lol

Gallardo: Lol

Gallardo: Send the links again plz lol

Gallardo: So I can trade them

Gallardo: For better ones

Gallardo: Let me know if you can re send the links Primo so I can trade them

Gallardo: The other file has younger

Gallardo: The new mega

23. Pillado responded by sending two urls, but law enforcement was unable to view the contents within the links because they were unavailable.

24. On March 10, 2023, Gallardo again mentions receiving CSAM through the encrypted platform called Mega:

Gallardo: Their gonna send me a mega

Gallardo: But it has like [minor female child #4] age

Gallardo: Lol younger idk if your interested lol

³ MEGA is a global company providing cloud storage and file hosting services, which operates over the internet, and does business within the United States. MEGA has both unique storage and encryption capabilities. Files are encrypted locally on the end user's device before they are uploaded to MEGA's servers, which prevents anyone from accessing the files without knowledge of the password used for encryption. MEGA allows users to access, upload and share their files on computers, phones, and tablets, and then search, store, download, stream, view, share, rename or delete their files at any time from any location. Users can share folders with other contacts and access their updates in real time.

Pillado: Yeah that's fine

25. On March 11, 2023, Gallardo offers to send CSAM with a newborn child to

Pillado:

Pillado: Did they send you the mega lol

Gallardo: I'm waiting for it lol

Gallardo: I have one but has new born baby you want that one

Gallardo: ?

Gallardo: ?

Pillado: Fuck it lol yeah send it

Gallardo: Lol tbh is super young but good bro idk if your gonna like it

Gallardo: But just by seeing the tight pussy and whole

Gallardo: Hole

Gallardo: Lol full of cum

Pillado: Shiiit now I'm really down lol

Gallardo: Lol

Gallardo: Trust me give me a sec

Pillado: Aight

Gallardo: [Sends 22 second video but law enforcement is unable to view it].

26. On July 5, 2022, Gallardo engages in a conversation with Pillado regarding specific CSAM shared in the past, between both of them.

Gallardo: Lol did you like the young girls or not really

Pillado: Yeah I liked them lol

Gallardo: Lol which one

Gallardo: Take a screenshot

Pillado: That one I sent you lol

Gallardo: Oh shit lol but I'm talking about the younger ones their lol

Pillado: Sends a screenshot of an image at 1:55 pm MST, which depicts what appears to be a minor female with her upper clothed body facing the camera. She is holding what appears to be an adult erect penis and the penis is in her mouth. The female appears to be in between the male's legs and on her knees or squatting. On the image it has the words "telegram: @cp666a" in the upper left corner.

Pillado: This one lol

27. On July 5, 2022, at approximately 1:56 pm MST, Gallardo's cell phone has his location within New Mexico. This data was collected through a preliminary mobile device location analysis of T-Mobile records. Each date and time referenced regarding location information for Gallardo, was gained through the analysis of cell phone towers Gallardo's cell phone utilized when he was located in New Mexico.

28. On December 1, 2022, Gallardo and Pillado have a brief conversation and CSAM images were sent by Gallardo.

Gallardo: [Sends 11 images but law enforcement is unable to see the images.] (The images were sent between 8:49 am and 8:50 am MST)].

Pillado: You should've sent the video of that girl that has cummed on

Pillado: Lol

29. On December 2, 2022, Gallardo and Pillado begin a new conversation.

Gallardo: Which one lol

Gallardo: [Gallardo sends three videos but law enforcement is unable to see the videos.]

Pillado: The other one lol

Gallardo: Send it lol

Gallardo: So I can remember

Pillado: [Sends a screenshot at 8:14 am MST, of a minor female who appears to be pre-pubescent and naked with what appears to be a leather sadomastic outfit with a star within a circle as the design on the front. An adult male's hand is holding the right leg of the minor. The minor's legs are spread apart.]

The screenshot also has data which displays the name "Ryan", the photo is stamped "Yesterday. 8:51 AM". This appears to be who originally sent the photo or video and the day and time the photo was sent. On December 1, 2022, at approximately 9:40 am MST, Gallardo's cell phone has his location within New Mexico. On December 2, 2022, from approximately 8:06 am to 8:45 am MST, Gallardo's cell phone has his location within New Mexico.

Gallardo: You liked that one huh lol

Pillado: Lol yeah

Pillado: Send that one

Gallardo: Let me see of its up lol

Gallardo: She's young lol

Gallardo: Im about to jerk off that girl

Pillado: Send so I can too lol

Gallardo: They took it off lol

Gallardo: Theirs only the picture I send you

Gallardo: Send them again plz lol

30. Based on my investigation, your affiant was able to determine that Gallardo used T-Mobile as his cell phone service provider. Your affiant also identified his Google account. Your affiant, then obtained search warrants for location data from T-Mobile and Google for Gallardo's accounts. The returns for those accounts were analyzed by FBI Special Agent Sean Macmanus who has been recognized multiple times as an expert in location data analysis. Based

on Agent Macmanus' review of that information, as well as my own independent investigation, I believe Gallardo was in New Mexico on July 5, 2022, December 1, 2022, and December 2, 2022.

As further described above, on July 5, 2022, Pillado sent at least one image to Gallardo, that is described above, that your affiant has reviewed and believes meets the federal definition of child pornography. On December 1, 2022, Gallardo sent a series of images to Pillado. In the conversations, Gallardo and Pillado appear to be talking about the images as if they contain CSAM material. Your affiant cannot see the images that were actually sent that day. However, on December 2, 2022, Pillado takes a screen shot of one the images sent from the day before by Gallardo, and sends it back to him. Your affiant is able to see that image, and, based on my training and experience, I believe the image described above, meets the federal definition of child pornography.

31. On May 25, 2023, HSI obtained a federal search warrant for Gallardo's cell phone that was seized during his arrest. According to the Digital Forensic Examiner, data appeared to have been deleted from the device. Notably, Gallardo's cell phone did not contain Yamil Pillado as a contact in the contacts list of the device. However, the photo gallery contained a screenshot photograph depicting a screen capture with the word "Messages" at the top and a list of Contact names, including a contact named "Yamil Primo."⁴ This image was dated October 24, 2021.

32. When the device was examined, Gallardo had the WhatsApp application installed on the device but the messages between Pillado and Gallardo were not in the application.

⁴ Based on my training and experience working in the Southwest Border region, I know that primo is the Spanish word for "cousin".

Conclusion

33. Based on all the above information, your affiant submits there is probable cause to believe that Ryan Gallardo and Yamil Pillado committed violations of distribution and receipt of child pornography, in violation of 18 U.S.C. 2252A(a)(2)(A), and Gallardo and Pillado conspired to distribute and receive child pornography, in violation of 18 U.S.C. § 2252A(a)(2), (b)(1).

34. Prosecution of Ryan Gallardo and Yamil Pillado were approved by Assistant United States Attorney Marisa A. Ong.

**STEPHANI M
LEGARRETA**

Digitally signed by STEPHANI M
LEGARRETA
Date: 2023.10.25 16:09:21 -06'00'

Stephani Legarreta, Special Agent
Homeland Security Investigations

Subscribed and sworn before me this 25 day of October 2023.

- by telephone. JHR



Honorable Jerry H. Ritter
United States Magistrate Judge